

Report Date: April 15, 2015

United States District Court**for the****Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Gabriel Joshua Kindness

Case Number: 0980 2:09CR02099-WFN-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: May 11, 2010

Original Offense: Possession of Unregistered Firearm, 26 U.S.C. § 5861

Original Sentence: Prison - 24 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: TBD

Date Supervision Commenced: November 21, 2014

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: November 20, 2015

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 2:** The defendant shall not commit another federal, state, or local crime.

Supporting Evidence: Mr. Kindness was charged with assault by the Yakama Nation Police Department, case number 15-002739 on April 12, 2015.

- 2 **Mandatory Condition # 5:** The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Supporting Evidence: Mr. Kindness was in possession of a dangerous weapon, specifically a knife used to cut the victim during an altercation on April 12, 2015.

According to the Yakama Nation Police Department's narrative report, on April 12, 2015, Mr. Kindness was involved in a physical altercation. The report indicates Mr. Kindness pulled out the knife that was used to cut the victim during the altercation. Mr. Kindness was subsequently booked at the Yakama Tribal Jail where he remains.

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Standard Condition # 7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Mr. Kindness was found to be under the influence of alcohol on April 12, 2015.

According to the Yakama Nation Police Department's narrative report, on April 12, 2015, Mr. Kindness was found to be under the influence of alcohol. Upon arrival to the Yakama Nation Jail, Mr. Kindness completed a voluntary portable Breathalyzer test (PBT) with a reading of .311 blood alcohol content.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2015

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

4/15/15

Date